

**UNITED STATES DISTRICT COURT
Eastern District of California**

UNITED STATES OF AMERICA

v.

BRYAN H. NISHIMURA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:15CR00145-001**

Defendant's Attorney: William Portanova, Retained

THE DEFENDANT:

- pleaded guilty to count(s) 1 of the Information.
- pleaded nolo contendere to count(s) which was accepted by the court.
- was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense (s):

Title & Section	Nature Of Offense	Date Offense Concluded	Count Number
18 USC § 1924	Unauthorized Removal and Retention of Classified Documents and Materials (CLASS A MISDEMEANOR)	April 2012	1

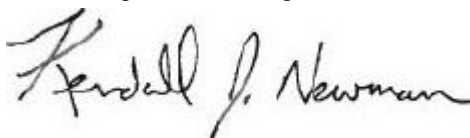
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) and is discharged as to such count(s).
- Count (s) dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given. Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution or fine, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

7/29/2015

Date of Imposition of Judgment



Signature of Judicial Officer

Kendall J. Newman, United States Magistrate Judge

Name & Title of Judicial Officer

8/12/2015

Date

PROBATION

The defendant is hereby sentenced to court probation for a term of :
2 years.

If this judgment imposes a fine, special assessment, processing fee or restitution, it is a condition of probation that Defendant pay in accordance with the Schedule of Payments sheet of this judgment.

While on probation, the Defendant shall be subject to and must comply with the following conditions of probation:

CONDITIONS OF PROBATION

1. The defendant shall pay a \$7,500.00 fine within six months of sentencing;
2. The defendant shall pay a \$25.00 mandatory special assessment forthwith;
3. The defendant shall forfeit all rights, titles, and interests to the United States in all electronic devices and storage media seized from his residence at 106 La Quart Court, Folsom, CA on May 24, 2012, that are currently within the possession of the United States;
4. The defendant shall not see or obtain any new security clearance to perform work on behalf of the United States or any department or agency thereof, either directly or through a government contractor, and shall surrender any such security clearances that he currently holds;
5. The defendant shall not commit another federal, state, or local crime;
6. The defendant shall notify the United States Attorney's Office within seventy-two hours of being cited or arrested for a criminal violation;
7. The defendant shall notify the United States Attorney's Office ten days prior to any change in residence; and
8. The defendant shall report to the United States Marshals Service for processing forthwith upon conviction.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$25.00	\$7,500.00	

- The determination of restitution is deferred until ____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Totals	\$ _____	\$ _____	

- Restitution amount ordered pursuant to plea agreement \$ ____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - The interest requirement is waived for the fine restitution
 - The interest requirement for the fine restitution is modified as follows:
- If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.
- If incarcerated, payment of the restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A. Lump sum payment of \$ ___ due immediately, balance due
 Not later than ___, or
 in accordance C, D, E, or F below; or
- B. Payment to begin immediately (may be combined with C, D, or F below); or
- C. Payment in equal ___ (e.g. weekly, monthly, quarterly) installments of \$ ___ over a period of ___ (e.g. months or years), to commence ___ (e.g. 30 or 60 days) after the date of this judgment; or
- D. Payment in equal ___ (e.g. weekly, monthly, quarterly) installments of \$ ___ over a period of ___ (e.g. months or years), to commence ___ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E. Payment during the term of supervised release/probation will commence within ___ (e.g. 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendants ability to pay at that time; or
- F. Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.